

# COMMITTEE REPORT

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## MADAM PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 12-10-12-2 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this
- 5       chapter, "designee" refers to an ~~individual who~~ **entity that** is
- 6       designated by the ~~director of the agency under section 27 of this~~
- 7       ~~chapter.~~ **division."**
- 8       Page 1, line 2, after "individual" insert ":"
- 9       Page 1, line 2, strike "who".
- 10      Page 1, strike line 3.
- 11      Page 1, line 8, reset in roman "may".
- 12      Page 1, line 9, reset in roman "be".
- 13      Page 1, line 9, delete "is".
- 14      Page 1, line 9, delete "."
- 15      Page 1, line 9, reset in roman "under IC 12-15-21-1 through".
- 16      Page 1, reset in roman line 10.
- 17      Page 1, between lines 10 and 11, begin a new paragraph and insert:
- 18      "SECTION 3. IC 12-10-12-7 IS AMENDED TO READ AS
- 19      FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) An individual or
- 20      the individual's parent or guardian, if the individual is not competent,
- 21      who is required to be screened and approved under this chapter shall

1 apply to the agency serving the county of the individual's residence in  
 2 the manner and location required by the division for participation  
 3 in a nursing facility preadmission screening program.

4 (b) The individual or the individual's parent or guardian if the  
 5 individual is not competent shall provide the agency with the  
 6 following:

7 (1) The individual's name.

8 (2) The address of the place where the screening team described  
 9 in section 14 of this chapter may contact the individual.

10 SECTION 4. IC 12-10-12-10 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The notification  
 12 required under section 8 of this chapter must notify the applicant of the  
 13 following:

14 (1) That the applicant is required under state law to apply to the  
 15 agency serving the county of the applicant's residence for  
 16 participation in a nursing facility preadmission screening  
 17 program.

18 (2) That the applicant's failure to participate in the nursing facility  
 19 preadmission screening program could result in the applicant's  
 20 ineligibility for Medicaid reimbursement for per diem in any  
 21 nursing facility for not more than one (1) year.

22 (3) That the nursing facility preadmission screening program  
 23 consists of an assessment of the applicant's need for care in a  
 24 nursing facility made by a team of individuals familiar with the  
 25 needs of individuals seeking admission to nursing facilities.

26 (b) The notification must be signed by the applicant or the  
 27 applicant's parent or guardian if the applicant is not competent before  
 28 admission.

29 (c) If the applicant is admitted:

30 (1) the nursing facility shall retain one (1) signed copy of the  
 31 notification for one (1) year; and

32 (2) the nursing facility shall deliver one (1) signed copy to the  
 33 agency serving the county in which the applicant resides: **division**  
 34 **or the division's designee.**

35 (d) A person who violates this section commits a Class A infraction.

36 SECTION 5. IC 12-10-12-14 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) A screening  
 38 team must consist of two (2) members.

39 (b) An applicant's physician shall participate as a member of the  
 40 screening team.

41 (c) The agency that serves the county of the applicant's residence  
 42 shall, subject to the approval of the division, or the division's designee

**subject to the approval of the division, shall also** appoint an individual who

~~(1) represents the agency serving the area in which the applicant's residence is located; and~~

~~(2) is familiar with personal care assessment.~~

(d) The ~~agency shall, division, or the division's designee~~ subject to the approval of the division, **shall** appoint one (1) of the individuals under subsection (c) to be the coordinator."

Page 1, line 15, reset in roman "only".

Page 2, delete lines 4 through 19, begin a new paragraph and insert:

"SECTION 6. IC 12-10-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The ~~agency~~ **division or the division's designee** shall provide the applicant with a written notice of the office's determination made under section 18 of this chapter if the placement is appropriate. The office shall provide written notice of a determination made under section 16 of this chapter when placement in a nursing facility is denied.

(b) If the office determines that an individual's placement in a nursing facility is not appropriate, the written notice must contain the following:

(1) The reasons for the office's determination.

(2) A detailed description of services available to the individual that, if used by the individual, make the placement of the individual in a nursing facility inappropriate."

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 8. IC 12-10-12-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) The ~~agency~~ **shall, subject to the approval of the division** ~~may~~ designate at least one (1) individual who may authorize temporary admittance to a nursing facility under:

(1) subsection (b); and

(2) sections 28, 30, and 31 of this chapter;

without the approval required under this chapter.

(b) An individual designated under subsection (a) may authorize temporary admittance to a nursing home for a resident of Indiana if the resident:

(1) has received treatment from and is being discharged from a hospital that is located in a state other than Indiana; and

(2) will be participating in preadmission screening under this chapter.

(c) Notwithstanding a rule adopted under section 12 of this chapter,

1 a screening team appointed to screen a nonresident under this section  
2 must:

- 3 (1) conduct its assessment under section 16 of this chapter; and
  - 4 (2) report its findings;
- 5 within ten (10) days after its appointment.

6 SECTION 9. IC 12-10-12-30 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 30. (a) An individual  
8 may be admitted to a nursing facility if the **division or the division's**  
9 designee determines that it is probable that the individual will be  
10 discharged from the nursing facility within thirty (30) days of the  
11 individual's admission.

12 (b) If the individual:  
13 (1) desires to remain in a nursing facility for more than thirty (30)  
14 days; and  
15 (2) applies for approval under this chapter before the expiration  
16 of the thirty (30) days;  
17 the individual has an additional twenty-five (25) days in which to  
18 obtain the approval.

19 SECTION 10. IC 12-10-12-31 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. An individual who  
21 has applied for approval under this chapter may be admitted before  
22 approval is granted if the **division or the division's** designee  
23 determines that there will be serious harm to the physical or mental  
24 health of the individual if the individual is required to wait for  
25 approval.

26 SECTION 11. IC 12-10-12-33 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 33. If an individual:  
28 (1) does not participate in the health facility preadmission  
29 screening program described in this chapter; or  
30 (2) participates in the health facility preadmission screening  
31 program described in this chapter and is notified under section 20  
32 of this chapter that the individual's placement in a health facility  
33 is not appropriate;  
34 the individual is not eligible for assistance under the federal Medicaid  
35 program (42 U.S.C. 1396 et seq.) for the payment of any part of the  
36 cost per diem provided to the individual in a part of a health facility  
37 **certified as an intermediate care facility** for one (1) year after the date  
38 of the individual's admission to the health facility.

- 1           SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 2           JULY 1, 2007]: IC 12-10-12-1; IC 12-10-12-34."
- 3           Renumber all SECTIONS consecutively.  
            (Reference is to SB 208 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 7, Nays 2.

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**Senator Miller, Chairperson**